

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER ALLEN, et al.

Plaintiffs

v.

CARL KOENGISMANN, MD, et al.

Defendants.

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: 19-cv-8173 (LAP)
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: ORDER
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LORETTA A. PRESKA, Senior United States District Judge:

The Court has reviewed counsel's letters regarding various discovery issues (dkt. nos. 399, 400, 405, 406) and held a teleconference on August 10, 2022.

Accordingly, it is hereby ordered:

I. HIPAA Releases

All HIPAA releases tendered to date by Plaintiffs' counsel on behalf of putative class members are hereby judicially modified to include a release to the law firm of Whiteman, Osterman & Hanna LLP representing Defendant Carol Moores.

II. Protective Orders

All protective orders entered in this matter (Dkt. nos. 283, 317 and the protective order regarding named Plaintiff, Derrick Williams, filed under seal) are hereby judicially modified to include counsel from Whiteman, Osterman & Hanna who file notices of appearance in this matter as signatories.

Counsel for Plaintiffs shall forward a copy of the sealed protective order via email to Defendant Moores' counsel at Whiteman, Osterman & Hanna.

III. Depositions

All currently scheduled depositions of the experts in this matter shall proceed on the current schedule. Counsel for Defendant Moores shall be granted leave, as necessary, to take additional testimony of each expert via Zoom at a convenient time for all counsel and the witnesses. Defendant Moores' counsel shall not use the additional questioning as an opportunity to requestion the experts on matters already covered in the primary depositions but only to question on matters relating to Defendant Moores only.

IV. Motion Calendar

The current scheduling calendars for Plaintiffs' motion to intervene (Dkt. nos. 343-354), motion for injunctions (Dkt. nos. 373, 374 and 378), motion for class certification (Dkt. nos. 346, 348-362, 367-369, 371), and the reply to State Defendants' 12(b)(1) motion are extended until November 15, 2022. Plaintiffs' replies to the motions to intervene, for injunctions, and to certify the class are due December 15, 2022. Barring exceptional circumstances, no further extensions will be granted.

V. Medical Records

State Defendants shall produce all outstanding, updated medical records on Schedule 2 for putative class members within thirty (30) days and shall update all records every thirty (30) days thereafter pursuant to the Court's order of August 23, 2021 (Dkt. no. 286). As this is the third order addressing this discovery issue, further non-compliance will result in the consideration of sanctions. Defendants shall also continue to comply with the Court's order dated September 15, 2020. (Dkt. no. 159.)

SO ORDERED.

Dated: August 11, 2022
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA, U.S.D.J.